

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO: 3:07 CV 147**

<b>HOFFMAN ENGINEERING CORP.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b><u>CONSENT ORDER</u></b>
	)	<b><u>FOR EXPEDITED DISCOVERY</u></b>
	)	
<b>MICHAEL C. PISCITELLI and SAPPHERE</b>	)	
<b>TECHNICAL SOLUTIONS, L.L.C.,</b>	)	
	)	
<b>Defendants.</b>	)	

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Plaintiff Hoffman Engineering Corporation, and Defendants Michael C. Piscitelli and Sapphire Technical Solutions, L.L.C consent to the following Order for expedited discovery:

1. The parties shall engage in a period of expedited discovery with respect to the issues raised in the Plaintiff's Motion for Preliminary Injunction.
2. The expedited discovery shall be limited to the following topics: (a) equipment, property, software, information, documents, electronic data, and other things that Defendants received or retained from Plaintiff; (b) information, documents and electronic data related to any design, engineering, manufacturing or testing by the Defendants or the Plaintiff of photometric goniometers, including components and sub-components of such machines; (c) information, documents and electronic data related to communications, bids, and contracts of the Defendants or the Plaintiff about photometric goniometers, including updating any existing goniometer and designing or manufacturing any new goniometer; (d) forensic images of the Defendants' or the Plaintiff's electronic devices that contain any of the foregoing information, documents or electronic data, at the cost of the party request the images; and (e) information, documents and electronic data within the custody, possession or control of third parties with whom the

Defendants have communicated about photometric goniometers, including updating any existing goniometer and designing or manufacturing any new goniometer.

3. The expedited discovery also shall be limited as follows: (a) no more than seven interrogatories per side under Fed. R. Civ. P. 33; (b) no more than fifteen requests for documents, electronic data, and things per side under Fed. R. Civ. P. 34; (c) no more than three depositions per side under Fed. R. Civ. P. 30; and (d) subpoenas duces tecum only to the third parties that fall within paragraph 2(e) of this Order under Fed. R. Civ. P. 45. The parties shall provide responses to the interrogatories and requests for documents, electronic data, and things within 20 days of their receipt of the same.

4. Parties may propound discovery pursuant to paragraph 3 upon counsel's signing of this Order, however, production shall not be required until the Court has entered a Protective Order under Fed. R. Civ. P. 26(c). If either party intends to offer expert testimony with respect to issues raised in the Motion for Preliminary Injunction, the party shall give an expert report to the other side under Fed. R. Civ. P. 26(a)(2) by June 1, 2007. All expedited discovery shall be completed by June 30, 2007.

5. The Plaintiff shall submit a Supplemental Memorandum in Support of its Motion for Preliminary Injunction by July 20, 2007. The Defendants shall submit an Opposition to the Motion by August 3, 2007. The Plaintiff shall submit a Reply in Support of the Motion by August 10, 2007, if it wishes to submit a Reply. After August 10, 2007, the Court will address the Motion for Preliminary Injunction either on the pleadings and/or by scheduling a prompt evidentiary hearing, if the Court deems such a hearing to be necessary or appropriate.

6. After the Court renders a decision, or the parties stipulate to preliminary injunctive relief, the parties shall submit a report under Fed. R. Civ. P. 26(f) with respect to the

discovery that remains in the case and the Court may, in its discretion schedule a conference under Fed. R. Civ. P. 16.

This 19<sup>th</sup> day of April, 2007

For Plaintiff:

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For Defendants:

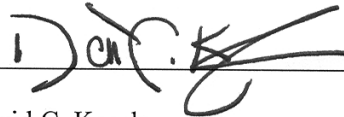
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**IT IS FURTHER ORDERED** that the “Motion for Expedited Discovery” (Document No. 8), filed April 11, 2007 is **DENIED AS MOOT**.

**SO ORDERED.**

Signed: April 20, 2007

  
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David C. Keesler  
United States Magistrate Judge

